



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: PATENT APPLICATION of  
Inventor(s) Van Hamont, et al.

Appln. No.: 08/698,896 (U.S. Patent No. 5,705,197)  
Issued January 1, 1998

Group Art Unit: 1617

Reissue Filed: January 6, 2000

Examiner: T. Criares

Title: EXTRACTION PROCESS FOR PRODUCING PLGA MICROSPHERES

**SUPPLEMENTAL DECLARATION**

We, John Van Hamont, Curt Thies, Robert H. Reid, Charles McQueen and Jean Setterstrom, hereby declare that we are citizens of the United States and that our residences are as stated below next to our names. We believe that we are the original inventors of the invention entitled EXTRACTION PROCESS FOR PRODUCING PLGA MICROSPHERES described and claimed in our original application no. 08/698,896, filed August 16, 1996, and the resulting United States Patent No. 5,705,197 which issued January 6, 1998 ("the '197 patent"), which was a continuation-in-part of United States patent application serial no. 08/242,960, filed May 16, 1994, and for which invention a reissue patent is solicited.

We do not know and do not believe that the invention of the '197 patent was ever known or used in the United States before our invention thereof. Furthermore, we do not know and do not believe that the invention was patented or described in any publication in any country before our invention thereof, or more than one year prior to the original application. We do not know and do not believe that the invention was in public use or on sale in the United States more than one year prior to the original application. To the best of our knowledge and belief, this invention has not been patented or made the subject of an inventor's certificate in any country foreign to the United States prior to the

date of the original application on an application filed by us or our legal representatives or assigns more than twelve months before our original application.

We have reviewed and understand the contents of the specification, including the claims, as amended by any amendments specifically referred to in this Declaration and all previous amendments made. We acknowledge the duty to disclose information of which we are aware and which is material to the examination of the application in accordance with the rules of disclosure.

We believe that through error, without any deceptive intent, the '197 patent is partially inoperative or invalid by reason of the patentee claiming more or less than the patentee had the right to claim in the patent. In particular, we believe that the claims as issued are too narrow given the breadth of the disclosure in the specification. We believe that this was the result of our patent attorney's failure to appreciate the full scope of the invention. This possible error in the claim language arose without deceptive intent during prosecution of the application before the United States Patent and Trademark Office.

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Therefore, by reason of the above-described errors, claims presented in original Patent 5,705,197 are possibly not broad enough to cover all aspects of the invention

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Wherefore we request that we may be allowed to surrender, and we hereby offer to surrender, said United States Letters Patent No. 5,705,197, and request that Letters Patent be reissued to us and the assignee, The United States of America as represented by the Secretary of the Army, for the same invention upon the foregoing amended reissue application.

We hereby declare further that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true. We further declare that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under \$1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Inventor's Name: John Van Hamont

Inventor's Residence: 10518 Mustang Ridge

Converse, Texas 78109

Inventor's Citizenship: USA

Inventor's Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Reissue Application 09/478,822

Inventor's Name: Curt Thies

Inventor's Residence: 305 Fawn Meadows

Ballwin, MO 63001

Inventor's Citizenship: USA

Inventor's Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Inventor's Name: Robert H. Reid

Inventor's Residence: P.O. Box 531

Fairfield, Pennsylvania 17320

Inventor's Citizenship: USA

Inventor's Signature: Robert H. Reid M.D.

Date Signed: 8/17/04

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Inventor's Name: Charles McQueen

Inventor's Residence: 16805 Ethelwood Terrace  
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Inventor's Citizenship: USA

Inventor's Signature: \_\_\_\_\_

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Inventor's Name: Jean Setterstrom

Inventor's Residence: 700 Hampton Trace Lane  
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Reissue Application 09/478,822

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Inventor's Residence: 305 Fawn Meadows

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Inventor's Citizenship: USA

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Date Signed: Nov. 4, 2004

Inventor's Name: Robert H. Reid

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Inventor's Residence: 10518 Mustang Ridge

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Inventor's Citizenship: USA

Inventor's Signature: John Van Hamont

Date Signed: 25 October 2004

Reissue Application 09/478,822

Inventor's Name: Curt Thies

Inventor's Residence: 305 Fawn Meadows  
Ballwin, MO 63001

Inventor's Citizenship: USA

Inventor's Signature: \_\_\_\_\_

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Inventor's Name: Robert H. Reid

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Inventor's Name: Charles McQueen

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Date Signed: 16 August 2004

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Date Signed: \_\_\_\_\_



Reissue Application 09/478,822

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Date Signed: August 16, 2004



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re PATENT APPLICATION OF**

**Van Hamont REISSUE of U. S. Patent No. 5,705,197**

**Appl. No.: TBA**

**Group Art Unit: TBA**

**Filed: Herewith**

**Examiner: TBA**

**Title: EXTRACTION PROCESS FOR PRODUCING PLGA MICROSPHERES**

**ASSENT OF ASSIGNEE AND STATEMENT UNDER 37 CFR 3.73(h)**

**Hon. Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231**

**Sir:**

**The undersigned states the following:**

- 1. The undersigned verifies that he is empowered to sign this statement under federal laws on behalf of the assignee, the Government of the United States, as represented by the Secretary of the Army.**
- 2. The Government of the United States, as represented by the Secretary of the Army, is the assignee of the entire interest in the United States Letters Patent No. 5,705,197, which is evidenced by the assignment filed and recorded in the U.S. Patent and Trademark Office on February 13, 1997, and given Reel No. 8361 and Frame No. 0352.**
- 3. The undersigned on behalf of the assignee certifies that, to the best of assignee's knowledge and belief, title to this patent is in the assignee.**

**Van Hamont Reissue Application of U.S. Patent No. 5,705,197**

4. The undersigned on behalf of the assignee assents to the filing of the accompanying reissue application of Patent No. 5,705,197.

The United States of America

By: Martin H. Crumrine

Martin H. Crumrine  
Colonel, MS  
Commander

Date: 29 NOV 99